

Synopsis of Senate Bill 223 (Burton), Chapter 721, Statutes of 2001

SECTION 1	Adds Health and Safety Code (HSC) Division 10.9 (commencing with Section 11999.20)
HSC 11999.20	Appropriates \$8.4 million from SAPT Block Grant for drug testing and other purposes under the Substance Abuse and Crime Prevention Act of 2000 (SACPA)
	ADP is to “award grants” to counties for these purposes
	Funds must be used to supplement (not supplant) other funding
HSC 11999.25(a)	Counties must have a SACPA implementation plan on file
HSC 11999.25(b)	Plan must describe the process for substance abuse treatment and testing for both probationers and parolees
HSC 11999.25(c)	ADP must establish a fair and equitable distribution formula for allocating money to eligible counties
SECTION 2	Amends Penal Code (PC) Section 1210 (Applicable to both probation and parole)
PC 1210(a)	Expands definition of “nonviolent drug possession offense” and clarifies that the term “nonviolent drug possession offense” does not include possession in a jail or prison (PC 4573.6 and 4573.8)
PC 1210 (b)	Specifies that “drug treatment program” means a <i>state</i> licensed and/or certified program
PC 1210 (b)	Permits SACPA clients to be treated in drug treatment programs operated under the direction of the Veterans Health Administration of the Department of Veterans Affairs without regard to state licensing or certification requirements
PC 1210 (b)	Defines drug treatment programs to include a program specified in PC 8001, which specifies a “live-in alternative to incarceration rehabilitation program with a special focus on substance abusers” that has met designated conditions for at least five years prior to the effective date of the statute. (Only Delancy Street in San Francisco qualifies as such a program.)
SECTIONS 3&5	Amends PC Section 1210.1 (Probation) and PC Section 3063.1 (Parole)
	Expands the types of activities that constitute drug-related probation and parole violations in connection with revocation of probation and parole
	Specifies that quarterly progress reports shall be for the individual client rather than in summary form
	Defines the term “drug-related condition” of probation or parole to include the individual’s specific drug treatment regimen, employment, vocational training, educational programs, psychological counseling, and family counseling
	Requires proof that a probationer or parolee is unamenable to all forms of drug treatment and eliminates the requirement that the person prove there is a drug treatment program to which he or she is amenable, before probation or parole can be revoked on the grounds that the person is unamenable to all forms of drug treatment
	Clarifies that parole may be revoked any time a parole violation is proved and the parolee poses a danger to the safety of others. (Previously, for parolees who were not already on parole on July 1, 2001, parole could not be revoked under such circumstances unless the parolee was already admitted to SACPA drug treatment and committed a subsequent violation.)
SECTIONS 4&6	Adds PC Section 1210.5 (Probation) and PC Section 3063.2 (Parole)
	Provides that court-ordered drug testing shall be used as a treatment tool
	In evaluating an offender’s treatment program, results of drug testing shall be given no greater weight than any other aspects of the individual’s treatment program
SECTION 10	ADP may, until June 30, 2002, implement the provisions of HSC 11999.25 by means of a letter to all county lead agencies or similar instructions from the ADP Director
	ADP shall adopt regulations as necessary to implement HSC 11999.25 by July 1, 2002
	Provides authority to adopt emergency regulations to implement the Act. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the public health and safety; and shall be exempt from review by the Office of Administrative Law (OAL)
	Emergency regulations shall be submitted to OAL and shall remain in effect for no more than 180 days